

REMARKS

Applicant notes the provisional double obvious-type double patenting rejection and assumes that same must be held in abeyance pending the disposition of co-pending Application Serial No. 11/430,542.

Claims 35-39, 46 and 51 have been rejected under 35 USC 102(b) as anticipated by Weigand. Claims 42, 44, 45 and 47 have been rejected under 35 USC 103(a) as unpatentable over Weigand in view of LePar. Claims 52, 53, 55 and 58 have been rejected under 35 USC 103(a) over Weigand in view of Corwell. Claims 52 and 56 have been rejected under 35 USC 103(a) as unpatentable over Weigand in view of Bergmann.

Reconsideration and withdrawal of the above rejections is respectfully requested in view of the following.

Two important features of the stoma seal of the present invention are: (a) that the device is mounted entirely externally to the body of the patient; and (b) the stoma covering member is continuous and uninterrupted such that it can prevent the passage of liquid and solid material through the stoma, when it is pressed against the stoma.

Weigand, the primary reference, is not a stoma seal in the same sense as applicant's invention. It is a device which is designed to be used to permit liquid to be introduced through the anus into the intestine using an internally inserted tube. More particularly, it is a device that seals the anus to the wall of a tube used to deliver contrast liquid into the intestine to prevent leakage of the liquid. Applicant's device is intended to seal the stoma to prevent the passage of liquid and solid material through the stoma.

Applicant's device is situated entirely externally to the body. It utilizes a pressurized chamber to press a continuous, uninterrupted member against the stoma to prevent the passage of liquid and solid material through the stoma.

The Weigand device does not seal a body opening to prevent the passage of liquid and it is not situated entirely externally to the body. If pipe 2 is considered part of the Weigand device, the device obviously is not situated entirely externally as the pipe must be inserted through the anus into the intestine to deliver the contrast material. On the other hand, if pipe 2 is not considered to be a part of the device, the device is not a seal because it does not prevent the passage of liquid through the body opening.

Further, the portion of the Weigand device that bears against the anus is not continuous or uninterrupted because it must have an opening to allow insertion of the tube. It does not prevent the passage of liquid and solid material through the body opening.

Claim 35 has been amended to specifically require both of those limitations. Clearly, Weigand cannot be said to anticipate claim 35, as amended, because it lacks those features.

Further, none of the other references teach those features. Accordingly no combination of the references cited could be said to anticipate or render claim 35, as amended, unpatentable, regardless of the other features taught by the secondary references. The same is true of claims 36-58, dependent upon claims 35.

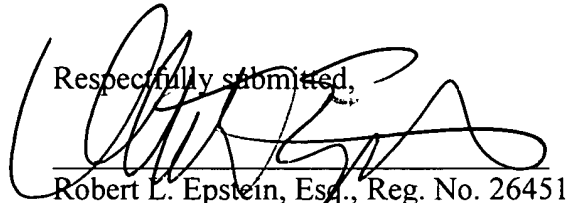
Newly presented claim 59 requires that the device be situated entirely externally to the body. Newly presented claim 60 requires a continuous and uninterrupted member

adapted to prevent the passage of liquid or solid material through the stoma when it is pressed against the stoma.

Neither Weigand individually or in combination with the secondary references can meet either of those limitations.

A Request for Continued Examination and the required fees are presented herewith.

Respectfully submitted,



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Enclosures